

COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on January 23, 2009. At the time the Examiner mailed the Office Action claims 1-3, 5-8, 10-13, 15-18, 20-23, 25-28 and 30 were pending. By way of the present response the Applicant has: 1) amended claims 1, 2, 6, 7, 10-12, 16-18, 20-22, 26, 27 and 30; 2) canceled claims 5, 15 and 25; and, 3) not added any claims. As such claims 1-3, 6-8, 10-13, 16-18, 20-23, 26-28 and 30 are now pending. The Applicant respectfully requests reconsideration of the present application and the allowance of claims 1-3, 6-8, 10-13, 16-18, 20-23, 26-28 and 30.

The Examiner has objected to the term "specially created" in independent claims 1, 11 and 21. In response the Applicant has stricken this term from independent claims 1, 11 and 21 thereby rendering moot the Examiner's objection.

The Examiner has objected to dependent claims 12, 13, 15-18 and 20 for failing to refer to "[a]n article of manufacture" as claimed in the independent claim (claim 11) from which they depend. In response the Applicant has amended claims 12, 13, 16-18 and 20 to recite an article of manufacture. The Applicant respectfully submits that the basis for the Examiner's rejection has been removed by way of these amendments.

The Examiner has rejected independent claims 11 and 21 under 35 USC 101 as being directed to non patentable subject matter. The Applicant has amended both claims to recite that "program code" is stored on a "a computer readable storage medium". Support for this claim amendment may be found at least in paragraph [0109] of the Applicant's specification which lists a number of computer readable storage media. The Examiner has also failed to read the term "one or more processors" as a specific machine suitable for meeting the requirements of 35 USC 101. The Applicant respectfully submits that one of ordinary skill in the art would understand the term "processor" as used in paragraph [0108] of the Applicant's specification to mean a processor semiconductor chip that can perform methods described in the specification through the execution of program code. Thus the Applicant respectfully submits that the recital of both a "computer

readable storage medium” and “one or more processors” within claims 11 and 21 is sufficient to bring both of these claims within the requirements of 35 USC 101.

The Examiner has rejected claims 1, 11 and 21 as being anticipated by U.S. Pub. Pat. App. No. 2002/0186238 (“Sylor”). Independent claims 1, 11 and 21 presently recite (emphasis added):

displaying a graphical user interface, comprising:

... [a] plurality of sub nodes [each] capable of spawning a second sub tree from itself, the following items stemming from said second sub tree:

- i) a host node that identifies a computer that contains ... [a] software component ...;
- ii) an availability node that provides an indication that the ... software component is unavailable ...;
- iii) a heartbeat node that is separate from said availability node and that displays text contained in a message received from a network, said message ... describing a feature of the ... software component.

From the emphasized language above, it is clear that the Examiner must show that Sylor discloses a host node, an availability node and a heartbeat node that stem from the same (“second”) sub tree. The Examiner cites: 1) paragraphs [0064], [0065] and [0141] and Fig. 5A as meeting the elements of the host node recited above; 2) paragraph [0097] as meeting the elements of the availability node recite above; and, 3) paragraphs [0097] and [0141] – [0144] as meeting the elements of the heartbeat node recited above. Although the Examiner does not expressly rely on Fig. 3B of Sylor, the Applicant will address its disclosure because paragraphs [0141]- [0144] of Sylor appear to refer to it. None of the paragraphs the Examiner has cited appear to refer to Fig. 5A of Sylor.

host node

With respect to the Applicant’s claimed host node, the Applicant respectfully submits that paragraphs [0064] and [0065] do not disclose any specific feature of a GUI. Paragraphs [0064] and [0065] of Sylor state:

[0064] Properties of resource 24 include a name, a role within a system or domain, and properties appropriate to its context. Each property of resource 24 has a current state. A resource also has at least one status, which, at a given point in time, has a single value derived from the current states. The range of values for resource 24 status usually

includes values for trouble-free, warning, and error.

[0065] For example, there might be a resource named "east campus router". It has a role of being a router within a network. It has properties appropriate to being a router: for instance, system components such as a CPU, two network interfaces, and at least one IP address (assuming the network uses the IP protocol). The network interfaces may have operational states including "ideal", "congested", and "failed".

Paragraphs [0064] and [0065] only seem to describe at a high level that a resource can be given a name, can have a state and can have at least one status. Moreover, whereas the Applicant's host node refers to "a computer that contains . . . [a] software component", paragraphs [0064] and [0065] of Sylor only refer to a "router" and not a computer. Thus paragraphs [0064] and [0065] are not capable of meeting the Applicant's claimed host node.

FIG. 5A

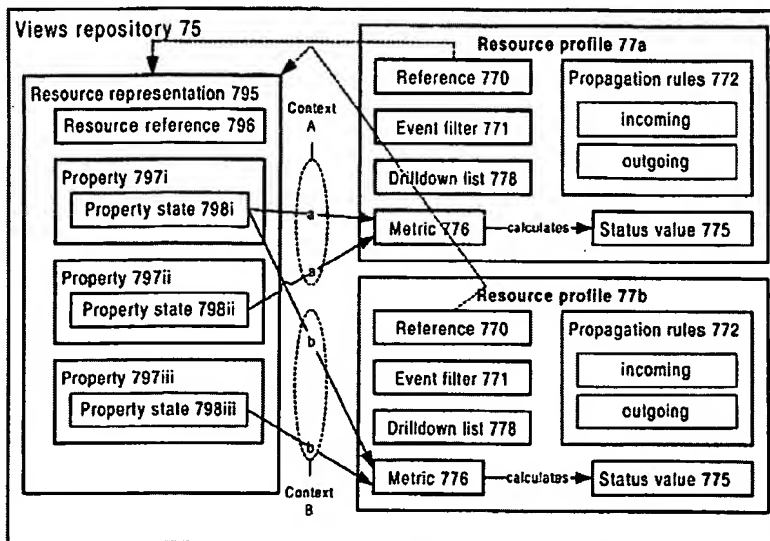


Fig. 5A of Sylor, above, shows a resource representation 795 having a resource reference 796 and properties 797i – 797iii. Fig. 5A is discussed at paragraphs [0071] – [0074] of Sylor which state:

[0071] Referring to FIG. 5A, resource profile 77 pairs resource representation 795 with a status value 775. This pairing is encoded by a reference 770. Status value 775 derives from states 798 of the associated resource representation 795; the derivation is given by a status metric 776. Since status metric 776 determines the states that status value 775 represents and how their values are weighed, status metric 776 can represent a context through its choice of states 798 and through the outputs that it assigns. For instance, in FIG. 5A, resource profiles

77a and 77b represent two different contexts ("Context A" and "Context B", respectively) for one resource representation 795. Also note that distinct profiles 77 can draw on the same state 798 for use by status metric 776. In the example shown, resource profile 77a draws on states 798i and 798ii, while resource profile 77b draws on states 798i and 798iii, i.e., state 798i is common to both.

[0072] Resource profile 77 can ignore categories of exceptions that would otherwise affect its status value 775 by encoding criteria for these categories in an event filter 771.

[0073] Resource profile 77 can specify a drilldown list 778 of analysis functions 799 exposed by an analysis tool 90. Drilldown list 778 will be presented to user 23 during certain interactions with a rendering of resource profile 77 in visual hierarchy 40. (See the section "Fishbone interactivity".) Drilldown list 778 provides a way of tailoring the analysis methods available to user 23 to each resource profile 77.

[0074] A commercial product that offers resource profiles 77 is NetworkHealth, sold by Concord Communications, Inc., of Marlboro, Mass., USA.

Notably, there is no specific mention of a node that stems from a (second) sub tree where the node identifies a computer that contains a software component. Fig 5A of Sylor and paragraphs [0071]-[0074] of Sylor appear to only abstractly describe the kind of information that can be rendered on a GUI without providing any details about the specific structure of any particular GUI. Nor does Fig. 5A of Sylor and its associated text disclose an identity of a computer that contains a software component. Thus Fig. 5A of Sylor (and paragraphs [0071] – [0074] of Sylor) are not capable of meeting the Applicant's host node.

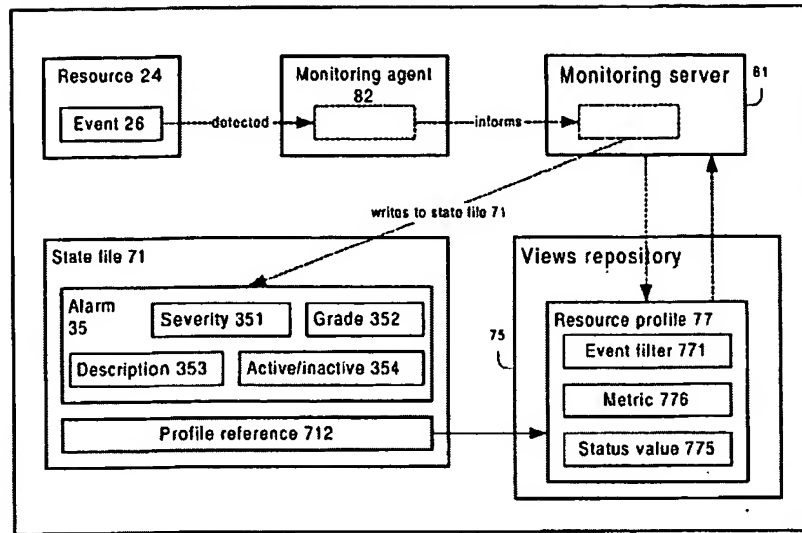
Because the Examiner has applied paragraph [0141] of Sylor against the Applicant's host node and paragraphs [0141] – [0144] of Sylor against the Applicant's heartbeat node, the Applicant will discuss the applicability of paragraphs [0141] – [0144] against both the host node and the heartbeat node in more detail further below.

availability node

The Examiner has cited paragraph [0097] of Sylor against the Applicant's availability node. Paragraph [0097] of Sylor states:

Alarm 35 includes a severity 351, a grade 352 (which groups levels of severity into broader categories such as failure versus warning), a text description 353, and an active/inactive flag 354.

FIG. 6A



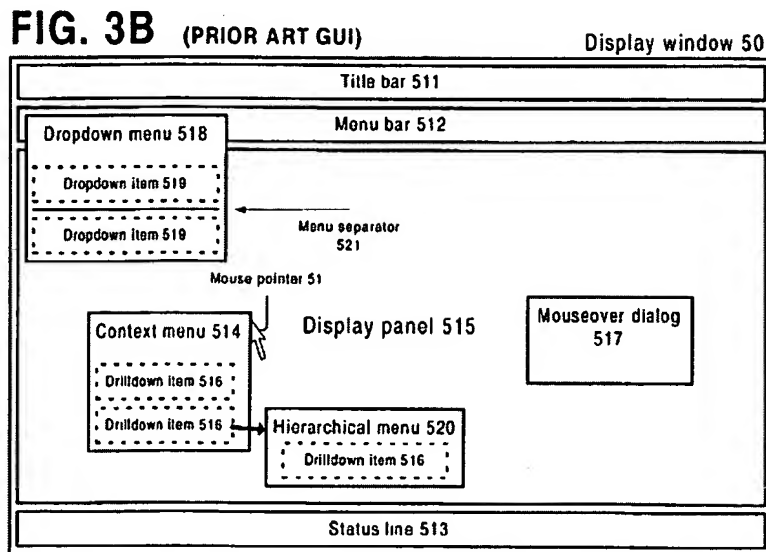
Paragraph [0097] is written in reference to Fig. 6A of Sylor (presented above) which shows alarm 35, severity 351, grade 352 and active/inactive flag 354 within a “state file”. Fig. 6A does not provide any details about any particular GUI structure. Moreover, neither paragraph [0097] nor Fig. 6A of Sylor disclose an indication that a software component is unavailable. Therefore paragraph [0097] (and Fig. 6A of Sylor) are not capable of meeting the Applicant’s availability node.

heartbeat node

The Examiner also cites paragraph [0097] against the Applicant’s heartbeat node. Similar to the argument presented above, paragraph [0097] (and Fig. 6A) of Sylor simply do not disclose a node that stems from a (second) sub tree of a GUI, nor, any reference to text in a message received from a network that describes a feature of a software component.

The Examiner’s rejection additionally concludes that the mouse over dialog box 517 referred to in paragraphs [0141] – [0144] of Sylor sufficiently meets the Applicant’s availability node. The Examiner also cites paragraph [0141] against the Applicant’s host

node. The mouse over dialog box 517 that paragraphs [0141] – [0144] refer to is depicted in Fig. 3B of Sylor which presented below.



Notably, Fig. 3B of Sylor clearly shows that the mouse over dialog box 517 is a standalone window and not a node that stems from a (second) sub tree. Thus, although some GUI structure is provided, the precise GUI structure claimed by the applicants (that the heartbeat node stems from the second sub-tree) is not present. Paragraphs [0141] – [0144] of Sylor state the following:

The mouseover dialog 517 contains text information about a resource profile 77, including the resource name, its status, and aggregate information about events affecting it. For instance, the mouseover dialog 517 may cite:

Router 13

Congested

11 alarms over the last three minutes

The above discussion indicates that a router is congested and has had 11 alarms over the last three minutes. That is not the same as the name of a computer that contains a software component (Applicant' host node) nor an indication that a software component is unavailable (Applicant's availability node). Thus, apart from the fact that paragraphs [0141] – [0144] of Sylor do not disclose nodes that stem from a (second) sub-tree, they do

not not even describe the information associated with the Applicant's host node or availability node. Thus, again, neither the claimed GUI features nor the specific information recited in the Applicant's claims is found in the sections of Saylor that the Examiner has identified.

(second) sub-tree of a graphical user interface tree

Finally, referring now to the Examiner's only attempt to cover the Applicant's claimed (second) "sub tree", the Examiner has cited paragraphs [0011] and [0146] and Fig. 9B of Saylor as meeting the following claim element.

...each of said plurality of sub nodes capable of spawning its own sub tree ...

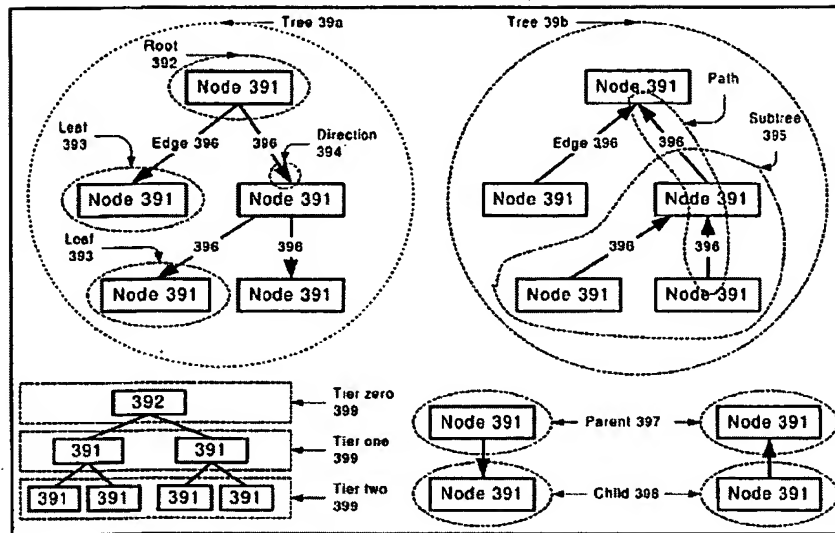
The Applicant has presently amended the above limitation to recite:

... [a] plurality of sub nodes [each] capable of spawning a second sub tree, said second sub tree stemming from the sub node that spawned it, the following items stemming from said second sub tree: ...

Paragraph [0011] uses the term "sub tree" and refers to Fig. 9A. Both are presented immediately below.

[0011] A first node 391 together with all its child nodes 391, grandchild nodes 391, the child nodes 391 of the grandchild nodes 391, and so forth, together with their connecting edges 396 form subtree 395. The subtree 395 just described is itself a tree 39 having the first node 391 as root 392. Because subtrees 395 have the same structure and properties as trees 39, trees 39 are said to be "self-similar". Many recursive algorithms work well on trees 39 because trees 39 are self-similar, among other reasons.

FIG. 9A (PRIOR ART DIRECTED TREE)



The term “sub tree” as used in Paragraph [0011] is not a sub tree of a graphical user interface. Rather, it is a sub tree of a “directed tree [which is a] data model known in the computing art”. See, Sylor, paragraph [0005]. That is, a data model is not a graphical user interface (or, said another way, Fig. 9A does not show a graphical user interface). Therefore, the sub tree to which paragraph [0011] of Sylor refers does not disclose the Applicant’s claimed (second) sub tree.

Paragraph [0146] refers mostly to Figs. 3A, 3B and 9B of Sylor – all of which are provided immediately below.

FIG. 3A

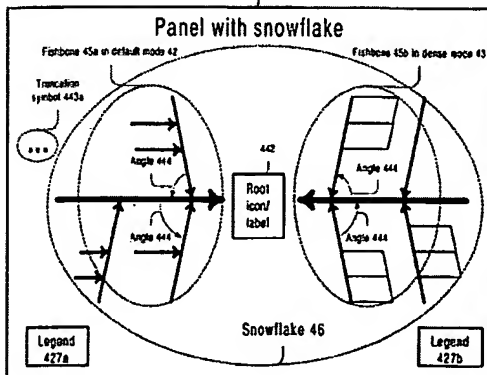


FIG. 3B (PRIOR ART GUI)

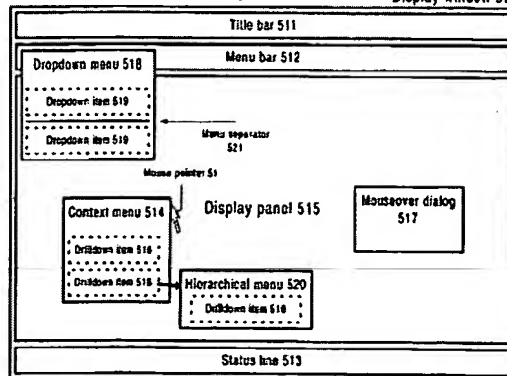
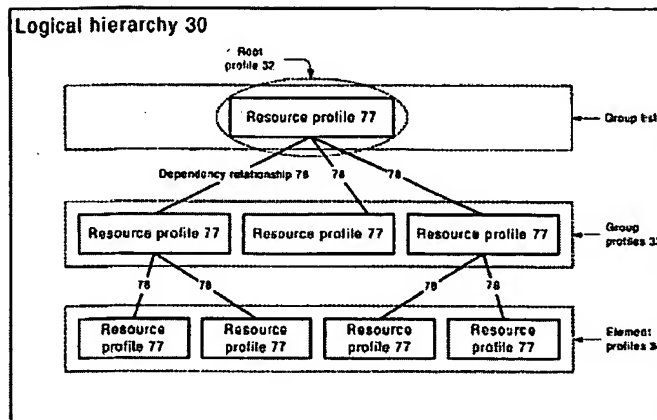


FIG. 9B



[0096] Monitoring system 80 associates alarm 35 with resource profile 77. More specifically, as shown in FIG. 4A using dotted arrows, monitoring agent 82 detects event 26 for resource 24. Event 26 can be a change in the state of one or more properties of resource 24. Monitoring agent 82 informs monitoring server 81 of event 26. Monitoring server 81 consults views repository 75 (not shown in FIG. 4A; see FIG. 8) to find one or more resource profiles 77 representing resource 24. Resource profile 77 (as shown in FIG. 5A) contains event filter 771 which may instruct monitoring server 81 to ignore event 26; otherwise, monitoring server 81 can invoke the resource profile's 77 metric 776 to evaluate status value 775. Monitoring system 80 is configured such that certain settings of evaluated status value 775 cause monitoring system 80 to create alarm 35 for resource profile 77. In other words, certain designated settings of status value 775 have severity sufficient to create alarms 35. Monitoring system 80 writes each alarm 35 to state file 71 corresponding to resource profile 77 that evaluated event 26. Note that one event 26 may cause alarm 35 on more than one resource profile 77. One event 26 may also cause more than one alarm 35 on a given resource profile 77: for instance, a first alarm 35 may be designated to propagate differently than a second alarm 35.

Presumably, the Examiner is reasoning that at least one of the “drilldown items”, “viewing the children” or “hierarchical menu” of paragraph [0146] meet the Applicant’s claimed (second) sub tree. Notably, none of these features actually refer to a (second) sub tree that stems from a sub node that spawned it. As the Applicant understands it, each one of these items only contemplates a separate window. The drill down items and hierarchical menu are part of a separate isolated window 516, 520 (as depicted in Fig. 3B). Children may be viewed in “a separate display window 50” or a hierarchical menu 520 (of Fig. 3B). None of these features therefore actually discloses a (second) sub tree that stems from the sub node that spawned it, nor any of a host node, availability node or heartbeat node that stem from the (second) sub tree.

Therefore the Applicant respectfully submits that Sylor fails to disclose the subject matter claimed by the Applicant's independent claims.

CONCLUSION

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully submitted,

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